

REMARKS

Claims 1, 2, and 4-17 are now pending in the application, with Claim 3 being cancelled and Claims 12-17 being added herein. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. The "Replacement Sheet" corrects the Examiner's objection and adds element number 14 to the "elbow" element.

REJECTIONS UNDER 35 U.S.C. § 102 & 35 U.S.C. § 103

Claims 1, 4 and 7-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 9-317946 to Tomoyoshi. Claims 2, 6 and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyoshi. Claims 3, 5 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomoyoshi in view of Kraus (U.S. Patent No. 5,947,426). These rejections are respectfully traversed.

The Examiner's attention is directed to amended independent Claim 1. Claim 1 has been amended to include the limitation that there is an elbow disposed between the first and second latching figures. As clarified in the amendment to the specification, the

elbow is a specific structure shown in the figures and disclosed in the specification as filed. The elbow (14) allows an adequate amount of space to be provided for yielding of the latching fingers during introduction. This elbow reduces the size of the retaining clip because the depth of the elbow may be utilized twice by two latching fingers, and further reduces the spreading of the retaining clip during introduction because the latching fingers may "disappear" in the elbow during introduction of the articles. Applicant respectfully disagrees with characterization in the Office Action that the Kraus reference teaches this feature.

Applicant further traverses the characterization that it would of been obvious for one of ordinary skill in the art at the time the invention was made to modify the distance between the first and second latching fingers to 5 to 20% of the width of the partition. By configuring the partition and latching fingers in this manner, two adjacent latching fingers have only slight influence upon each other. This avoids the unnecessary spreading of the retaining clip during the introduction of numerous articles into their respective receivers. This argument applies equally to the ratios of the latching fingers as claimed in Claim 6.

As the Examiner has failed to show a reference containing the elbow portion as well as the size ratios of the latching fingers, Applicant respectfully asserts that the *prima facie* showing of obviousness has not been made. Applicant, therefore, respectfully requests the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 103.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet" of drawings includes changes to Figure 2.

The attached "Replacement Sheet," which include Figures 1 and 2, replaces the original sheet including Figures 1 and 2.